

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Case No. 4:23-00181-01-CR-W-
)
) HFS
XAVIER MICHAEL BABUDAR,)
)
Defendant.)

**DEFENDANT'S OBJECTION TO THE
STATE WRIT OF HABEAS CORPUS AD PROSEQUENDUM**

Defendant Xaviar Michael Babudar, by and through undersigned counsel, Matthew T. Merryman, objects to a request directing the U.S. Marshals Service and/or personnel at the United States Penitentiary Leavenworth (“USP Leavenworth”).

SUGGESTIONS IN SUPPORT

1. Xaviar Michael Babudar has been indicted by a Western District of Missouri Grand Jury. Xaviar Michael Babudar is awaiting trial, which is set for the April 29, 2024, joint criminal jury trial docket. Babudar has remained in federal custody since his July 2023 arrest.
2. On January 8, 2024, the Tulsa District Court issued a writ of habeas corpus ad prosequendum directing the U.S. Marshals Service and/or personnel at USP Leavenworth to present Babudar to the Tulsa District Court for an upcoming status conference and “all subsequent proceedings” in the Bixby robbery case.
3. Undersigned counsel is aware that the Government’s counsel likewise objects to the writ and similarly requests it be denied.

4. Counsel for the Defendant is concerned that any transfer of the Defendant at this stage would prevent the Defendant from preparing for his scheduled April 29, 2024 trial

5. The Interstate Agreement on Detainers Act applies to transfers of sentenced prisoners for unrelated trials from the Federal Government to the States.

6. The Defendant has not been sentenced and the Act does not apply.

7. Defendant Xaviar Babudar consents to objection to the writ.

8. For the reasons stated herein, the Defendant objects to the request that the U.S. Marshals Service and/or personnel at USP Leavenworth release Xaviar Michael Babudar back to the custody of Tulsa County until the conclusion of the federal prosecution.

WHEREFORE, Counsel for Defendant respectfully requests that this Court deny the writ.

Dated: January 14, 2024

THE BATES & MERRYMAN LAW FIRM LLC

/s/ Matthew T. Merryman

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CERTIFICATE OF SERVICE

I hereby certify that on January 14, 2024, a copy of the foregoing Defendant's Objection to the State Writ of Habeas Corpus ad Prosequendum, was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access the filing through the Court's Electronic Case Filing System.

/s/Matthew T. Merryman

Matthew T. Merryman